

RECEIVED  
CENTRAL FAX CENTER

DEC 14 2007

R E M A R K S

The Examiner is respectfully requested to acknowledge applicants' claim for priority under 35 USC 119 and receipt of the certified copy of applicants' priority document.

The Examiner is also respectfully requested to return copies of the Forms PTO/SB/08A and PTO/SB/08B filed on August 30, 2006, and to indicate thereon that the cited publications were considered and made of record.

Restriction was required under 35 USC 121 as follows:

Group I. Claims 1 to 11, drawn to examples 1-1 to 1-9, 1-12 to 2-2, 2-4, 2-5, 2-7, 2-9 to 2-12, 2-14 to 2-16, 2-18, 2-20 to 2-27, 2-29, 2-30, 2-32 to 3-2, 3-4, 3-6 to 3-12, 3-14 to 3-16, 3-19 to 3-23, 3-25, 3-26, 3-28 to 4-8, 4-10 to 4-12, 4-14, 4-16 to 4-20, 4-23 to 4-29, 4-31, 4-32, 4-34, 4-45, 4-47, 4-48, 4-51, 4-55 to 10-5, 10-7 to 12-8, 12-10 and 12-12 to 18-1, and compositions thereof;

Group II. Claims 1 to 11, drawn to examples 1-10, 1-11, 2-3, 2-8, 3-3, 4-9, 10-6 and 12-11, and compositions thereof;

Group III. Claims 1 to 11, drawn to examples 2-6, 2-31, 3-5, 3-27, 4-21, 4-22, 4-49 and 4-52, and compositions thereof;

Group IV. Claims 1 to 11, drawn to examples 2-13, 2-17, 2-28, 3-13, 3-17, 3-24, 4-13, 4-15, 4-30, 4-46, 4-53 and 12-9, and compositions thereof;

Appl. No. 10/495,897

Response to Office Action mailed May 27, 2005

- Group V. Claims 1 to 11, drawn to examples 2-19 and 3-18, and compositions thereof;
- Group VI. Claims 1 to 11, drawn to examples 4-33, 4-50 and 4-54, and compositions thereof;
- Group VII. Claims 1 to 11, drawn to none of the examples above, but other compounds within the scope of claim 1, and compositions thereof; and
- Group VIII. Claims 12 and 13, drawn to agents with intended methods of use.

Applicants elect Group I (claims 1 to 11), drawn to examples 1-1 to 1-9, 1-12 to 2-2, 2-4, 2-5, 2-7, 2-9 to 2-12, 2-14 to 2-16, 2-18, 2-20 to 2-27, 2-29, 2-30, 2-32 to 3-2, 3-4, 3-6 to 3-12, 3-14 to 3-16, 3-19 to 3-23, 3-25, 3-26, 3-28 to 4-8, 4-10 to 4-12, 4-14, 4-16 to 4-20, 4-23 to 4-29, 4-31, 4-32, 4-34, 4-45, 4-47, 4-48, 4-51, 4-55 to 10-5, 10-7 to 12-8, 12-10 and 12-12 to 18-1, and compositions thereof.

Applicants consider that the wording of Group VII was intended to recite "...but all other compounds" and thus to provide that the combination of all of Groups I to VII would result in the examination of the full scope of the compound of formula (1) as set forth in claim 1. The Examiner is respectfully requested to confirm such consideration.

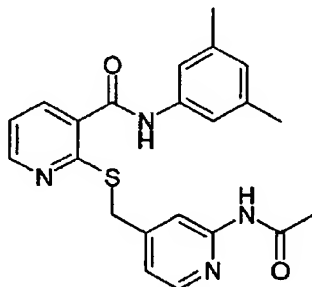
Appl. No. 10/495,897

Response to Office Action mailed May 27, 2005

The Examiner required the election of a single compound (or set of compounds) which is disclosed in the specification (see page 3, lines 17 to 27 of the enclosed Office Action). This is considered to be a request for an election of a species.

Applicants elect the compound represented by the following formula (Compound No. 4-1 on page 135 of the specification as originally filed):

2-(2-acetylaminopyridin-4-ylmethylthio)-N-(3,5-dimethylphenyl)pyridine-3-carboxamide (Compound No. 4-1)



Taking into consideration that there is a generic claim, it is respectfully requested that the provisions of 37 CFR 1.141(a) and the procedure set forth in MPEP 806.04(d) be followed, which provide that once a claim that is determined to be generic is allowed, all of the claims drawn to species, in addition to the elected species, which include all of the limitations of the generic claim, should be allowed.

Appl. No. 10/495,897  
Response to Office Action mailed May 27, 2005

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted



Richard S. Barth  
Reg. No. 28,180

Frishauf, Holtz, Goodman & Chick, P.C.  
767 Third Avenue - 25th Floor  
New York, New York 10017-2023  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101  
E-mail Address: BARTH@FHGC-LAW.COM  
RSB/ddf/lpv